

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CHERYL HURD, M.D.,

Plaintiff,

v.

TARRANT COUNTY HOSPITAL
DISTRICT, et al.

Defendants.

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Civil Action No. 4:22-cv-00388-O

JOINT WRITTEN STATEMENT ON ADMISSIBILITY OF EXHIBITS

In accordance with Paragraph II(8)(c) of the Court's Scheduling Order (ECF NO. 24), Plaintiff and Defendants submit this joint written statement regarding the admissibility of exhibits to accompany their exhibits lists:

I. PLAINTIFF'S EXHIBIT LIST (ECF NO. 45)

(i) The Parties agree to the admissibility of Plaintiff's Exhibit Nos. 6-21, 23-24, 26, 28, 31-90, 92-93.

(ii) Defendants object to the following exhibits on the following grounds:

| Plaintiff's Ex. No. | Description | Basis for Objection |
|------------------------|---|---|
| 22 | JPS HR 1700: Resolution Policy | Irrelevant and prejudicial because such policies apply solely to JPS employees. <i>See</i> Fed. R. Evid. 401-403. |
| 25 | JPS HR 1300, et seq: Drug and Alcohol Policies | Irrelevant and prejudicial because drug and alcohol use are not at issue. <i>See</i> Fed. R. Evid. 401-403. |
| 27 | JPS HR 4301; Personal Digital Devices Procedure | Irrelevant and prejudicial because procedures governing use of personal digital devices are not relevant. <i>See</i> Fed. R. Evid. 401-403. |

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| 29 | JPS HR 2600: Employee Standards | Irrelevant and prejudicial because such policies apply solely to JPS employees. <i>See</i> Fed. R. Evid. 401-403. |
| 30 | JPS HR 1701: Resolution Procedures | Irrelevant and prejudicial because such policies apply solely to JPS employees. <i>See</i> Fed. R. Evid. 401-403. |
| 91 | Hurd Notes | These handwritten notes contain hearsay and are illegible in places, meaning that even legible content cannot be properly understood in context and is incomplete. They also contain irrelevant and prejudicial information. <i>See</i> Fed. R. Evid. 106, 401-403, 801-802. |
| 94 | Narcissistic Personality Disorder Criteria | This writing is hearsay, the source of the information is not evident, and Defendants are unable to introduce other parts of the writing for completeness and context. <i>See</i> Fed. R. Evid. 106, 403, 801-802. |

Plaintiff reserved Exhibit Nos. 1-5 “for any Demonstrative of Summary Exhibits Create at Trial with Witnesses.” Defendants do not object to his arrangement in general, but reserve their right to object to specific exhibits if and when they are created.

II. DEFENDANTS’ EXHIBIT LIST (ECF NO. 48)

(i) The Parties agree to the admissibility of Defendants’ Exhibit Nos. 1-19, 30-34.

(ii) Plaintiff objects to portions of Defendants’ Exhibits Nos. 20-29 (which are text message threads) on relevance and prejudice grounds under Federal Rules of Evidence 401-403. Plaintiff’s objection stems from the fact that Defendants have identified the entirety of the text message threads as exhibits, rather than identifying only those portions of the threads that are relevant. Plaintiff does not otherwise object to Defendants’ Exhibit Nos. 20-29. Defendants have agreed to narrow the text message threads reflected in Exhibits Nos. 20-29 so that only the relevant conversations within the text message threads are included.

Respectfully submitted,

/s/ Christopher S. Ayres

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

On November 18, 2022, a copy of this document was served on counsel of record via the Court's ECF system.

/s/ Jordan M. Parker
Jordan M. Parker